

RONALD L. BONK REPORTING COMPANY,

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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CHARLOTTE E. NEUBAUER, personally and as personal representative of the Estate of Clifford S. Neubauer,	Civil Action No. 77-C-52
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JOY SKOFRONICK, personally and as personal representative of the Estate of Clifford E. Mason,	Civil Action No. 77-C-446
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WALTER PRESECHNIK,	Civil Action No. 77-C-491
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CLARENCE O. REIMER and MARY M. REIMER,	Civil Action No. 77-C-492
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DARWIN FRANK WITKOWSKI, SR., and ELEANORE WITKOWSKI,	Civil Action No. 78-C-43
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CLARENCE P. LILLGE and HERTHA LILLGE,	Civil Action No. 78-C-44
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ERICH E. ECKOLDT and MAMIE ECKOLDT,	Civil Action No. 78-C-131
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ROBERT J. GAYNOR and LAVELLETTTE GAYNOR,	Civil Action No. 78-C-544
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Plaintiffs,

-vs-

OWENS-CORNING FIBERGLAS CORPORATION,  
a foreign corporation, et al,

Defendants,

-vs-

OWENS-CORNING FIBERGLAS CORPORATION,

Third-Party Plaintiff,

-vs-

PITTSBURGH CORNING CORP., a  
foreign corporation, et al,

Third-Party Defendants.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

WILLIAM GLOBIG and  
KATHRINE A. GLOBIG,

Plaintiffs,

Civil Action  
No. 79-C-117

-vs-

OWNES-CORNING FIBERGLAS CORPORATION,  
a foreign corporation; JOHNS-MANVILLE  
SALES COMPANY, a foreign corporation;  
and KEENE CORPORATION,

Defendants,

and

EAGLE-PICHER INDUSTRIES, INC.,  
a foreign corporation,

Defendant and  
Third-Party Plaintiff,

-vs-

INTERNATIONAL ASSOCIATION OF HEAT AND  
FROST INSULATORS AND ASBESTOS WORKERS  
UNION and ASBESTOS WORKERS UNION, LOCAL 19,

Third-Party Defendants,

and

PITTSBURGH CORNING CORP., a foreign  
corporation; JIM WALTER CORP., a foreign  
corporation; CELOTEX CORP., a foreign  
corporation; FIBREBOARD CORP., a foreign  
corporation; GAF CORP., a foreign corpor-  
ation; OWENS-ILLINOIS, INC., a foreign  
corporation; ATLAS ASBESTOS CO., a foreign  
corporation; UNION CARBIDE CORP., a foreign  
corporation; H. K. PORTER CO., INC., a  
foreign corporation; SOUTHERN ASBESTOS  
COMPANY, a foreign corporation; FORTY-  
EIGHT INSULATIONS, INC., a foreign  
corporation; THE FLINTKOTE CO., a foreign  
corporation; NATIONAL GYPSUM CO., a  
foreign corporation; STANDARD ASBESTOS  
MANUFACTURING AND INSULATION CO., a  
foreign corporation; UNARCO INDUSTRIES,  
INC., a foreign corporation; COMBUSTION  
ENGINEERING INC., a foreign corporation;  
ARMSTRONG CORK CO., a foreign corporation;  
NICOLET INC., a foreign corporation, and  
RAYBESTOS MANHATTAN, INC., a foreign cor-  
poration,

Additional Third-Party Defendants.

1 UNITED STATES DISTRICT COURT FOR  
2 THE EASTERN DISTRICT OF WISCONSIN

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3 ROBERT A. WETZEL and  
4 GRACE M. WETZEL,

5 Plaintiffs,

6 -vs-

Civil Action  
No. 79-C-980

7 JOHNS-MANVILLE SALES CO.,  
8 JOHNS-MANVILLE CORP.,  
9 OWENS-CORNING FIBERGLAS CORP.,  
10 KEENE CORP., JIM WALTER  
11 CORP., and CELOTEX CORP.,

12 Defendants,

13 -vs-

14 OWENS-CORNING FIBERGLAS CORP.,

15 Third-Party Plaintiff,

16 -vs-

17 PITTSBURGH CORNING CORP.,  
18 EAGLE-PICHER INDUSTRIES, INC.,  
19 FIBREBOARD CORP., GAF CORP.,  
20 OWENS-ILLINOIS, INC., ATLAS  
21 ASBESTOS CO., UNION CARBIDE CORP.,  
22 H. K. PORTER CO., INC. SOUTHERN  
23 ASBESTOS CO., FORTY-EIGHT  
24 INSULATIONS, INC., THE FLINTKOTE  
25 CO., NATIONAL GYPSUM CO., STANDARD  
ASBESTOS MANUFACTURING &  
INSULATING CO., UNARCO INDUSTRIES,  
INC., COMBUSTION ENGINEERING, INC.,  
ARMSTRONG CORK CO., NICOLET, INC.  
and RAYBESTOS MANHATTAN, INC.,

Third-Party Defendants.

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1 Examination of ELMER H. BORCHARDT, as a  
2 witness upon the trial, taken at the instance of the  
3 defendants, under the and pursuant to the Federal Rules of  
4 Civil Procedure, pursuant to notice and subpoena, before  
5 NANCY D. HANNA, a Notary Public in and for the State of  
6 Wisconsin, at the Milwaukee Bar Association, 610 North  
7 Jackson Street, Milwaukee, Wisconsin, on the 14th day of  
8 July, A. D., 1980, commencing at 1:10 p.m. and concluding  
9 at 3:00 p.m.

10  
11 A P P E A R A N C E S:

12 Goldberg, Previant, Uelmen, Gratz,  
13 Miller, Levy & Brueggeman, S.C., by  
14 Mr. Albert J. Goldberg,  
15 788 North Jefferson Street,  
16 Milwaukee, Wisconsin,  
17 appeared on behalf of plaintiffs.

18 Borgelt, Powell, Peterson & Frauen, by  
19 Mr. Mark S. Young,  
20 735 North Water Street,  
21 Milwaukee, Wisconsin,  
22 appeared on behalf of Owens-Corning  
23 Fiberglas Corp.

24 Riordan, Crivello, Sullivan & Carlson, by  
25 Mr. Timothy F. Mentkowski,  
26 710 North Plankinton Avenue,  
27 Milwaukee, Wisconsin,  
28 appeared on behalf of Johns-Manville Co.  
29 and Johns-Manville Corp.

30 Otjen & Van Ert, S.C., by  
31 Mr. Daniel Stangle,  
32 741 North Milwaukee Street,  
33 Milwaukee, Wisconsin,  
34 appeared on behalf of Keene Corp.

1 Churchill, Duback & Smith, by  
2 Mr. John D. Bird,  
3 780 North Water Street,  
4 Milwaukee, Wisconsin,  
5 appeared on behalf of Jim Walter Corp.  
6 and Celotex Corp.

7 Schoone, McManus, Hankel & Ware, S.C., by  
8 Mr. Robert E. Hankel,  
9 1300 South Green Bay Road,  
10 Racine, Wisconsin,  
11 appeared on behalf of Pittsburgh Corning  
12 Corp. and Combustion Engineering.

13 Kasdorf, Dall, Lewis & Swietlik, S.C., by  
14 Mr. Jeffrey Schmeckpeper,  
15 1551 South 108th Street,  
16 Milwaukee, Wisconsin,  
17 appeared on behalf of Eagle-Picher  
18 Industries, Inc.

19 Prosser, Wiedabach & Quale, S.C., by  
20 Mr. Thomas H. Harrington,  
21 626 East Wisconsin Avenue,  
22 Milwaukee, Wisconsin,  
23 appeared on behalf of Fibreboard Corp.

24 Davis, Kuelthau, Vergeront, Stover &  
25 Leichtfuss, S.C., by  
26 Mr. James E. Culhane,  
27 250 East Wisconsin Avenue,  
28 Milwaukee, Wisconsin,  
29 appeared on behalf of GAF Corp.

30 Gibbs, Roper, Loots & Williams, by  
31 Mr. Robert E. Wrenn,  
32 757 North Broadway Street,  
33 Milwaukee, Wisconsin,  
34 appeared on behalf of Owens-Illinois, Inc.

35 Hayes & Hayes, by  
36 Ms. Susan Maloney,  
37 161 West Wisconsin Avenue,  
38 Milwaukee, Wisconsin,  
39 appeared on behalf of H. K. Porter Co.,  
40 Inc. and Southern Asbestos Co.

1                   Stafford, Rosenbaum, Rieser & Hansen, by  
2                   Mr. Bruce Huibregtse,  
3                   131 West Wilson Street,  
4                   Madison, Wisconsin,  
5                   appeared on behalf of H. K. Porter Co.,  
6                   Inc. in Neubauer case.

7                   -           deVries, Vlasak & Schallert, S.C., by  
8                   Mr. Arthur J. Vlasak,  
9                   700 North Water Street,  
10                  Milwaukee, Wisconsin,  
11                  appeared on behalf of Forty-Eight  
12                  Insulations, Inc.

13                  Boardman, Suhr, Curry & Field, by  
14                  Mr. Richard J. Delacenserie,  
15                  One South Pinckney,  
16                  First Wisconsin Plaza, Suite 410,  
17                  Post Office Box 927,  
18                  Madison, Wisconsin 53701,  
19                  appeared on behalf of Flintkote Co.

20                  Schellinger & Doyle, S.C., by  
21                  Mr. Robert R. Beltz,  
22                  111 East Wisconsin Avenue,  
23                  Milwaukee, Wisconsin,  
24                  appeared on behalf of Standard Asbestos  
25                  Manufacturing & Insulating Co.

26                  Kluwin, Dunphy, Hankin & McNulty, by  
27                  Mr. Dan Risd,                    ,  
28                  1100 West Wells Street,  
29                  Milwaukee, Wisconsin,  
30                  appeared on behalf of Unarco Industries,  
31                  Inc.

32                  Frisch, Dudek & Slattey, Ltd., by  
33                  Ms. Sally Sullivan,  
34                  825 North Jefferson Street,  
35                  Milwaukee, Wisconsin,  
36                  appeared on behalf of Nicolet, Inc.

37                  Brennan & Collins, by  
38                  Mr. Charles W. Collins,  
39                  788 North Jefferson Street,  
40                  Milwaukee, Wisconsin,  
41                  appeared on behalf of Raybestos Manhattan,  
42                  Inc.

Niebler & Niebler, by  
Mr. Chester J. Niebler,  
N95 W16975 Hy. 41,  
Menomonee Falls, Wisconsin,  
appeared on behalf of the witness.

TRANSCRIPT OF PROCEEDINGS

ELMER H. BORCHARDT, called as a witness by  
the defendants, having been first duly sworn, was examined  
and testified as follows:

E X A M I N A T I O N

BY MR. YOUNG:

Q Mr. -- how do you pronounce your name?

A Borchardt.

Q Mr. Borchardt, would you please state your full name  
for the record?

A Elmer H. Borchardt.

Q And what's your association with L & S Insulation?

A I'm the President, at the present time, of L & S.

Q How long have you been President?

A Five or six years.

Q Were you with L & S prior to that time?

A Started in 1950.

Q 1950. What did you start doing for them?

A Worked in the Corrugated Asbestos Division.

Q What were your duties?

1 A Estimating, blueprint work.

2 Q How long did you stay as an estimator?

3 A In that division, approximately five years.

4 Q Around 1955, I take it you became an estimator in a  
5 different division?

6 A In the Insulation Division of the company.

7 Q How long did you stay in that position?

8 A Until the present. I still estimate to this day.

9 Q We are interested in your knowledge concerning the  
10 products that L & S purchased and used on its jobs  
11 that some of the plaintiffs involved in these cases  
12 might have been in contact with, and I would like to  
13 know if you can describe for me the basis for whatever  
14 knowledge you might have in that area.

15 A 30 years of experience, seeing the materials, watching  
16 the applications.

17 Q In your position as an estimator, do you get involved  
18 with particular brand names of products?

19 A I'm familiar with all the brand names.

20 Q How long has L & S been around?

21 A Late '30s.

22 Q What did you do prior to coming to L & S?

23 A Worked at a few jobs, was in the Army.

24 Q Did you work in the insulation field?

25 A No.

1 Q Would you consider yourself to be the person most  
2 knowledgeable at L & S with respect to the products  
3 that L & S has used over the years?

4 A Only by virtue of the fact that I'm the last of the  
5 old group.

6 Q Is there somebody who was at L & S during the '40s  
7 that's still around?

8 A He's retired, Mr. Switala.

9 Q How do you spell his last name?

10 A S-w-i-t-a-l-a.

11 Q What's his first name?

12 A Harry.

13 Q Is he -- do you know where he lives?

14 MR. NIEBLER: Kinnickinnic Parkway.

15 MR. YOUNG:

16 Q Milwaukee area?

17 A Yeah.

18 Q What did Mr. Switala do for the company when he was  
19 there, do you know?

20 A He started out as a bookkeeper and worked his way up  
21 to President, did estimating, did purchasing.

22 Q If I was interested in talking to somebody that might  
23 be able to tell me what kind of products L & S used in  
24 the late '30s or the '40s, would he be my best chance?

25 A He would be your only chance. They are all dead.

1 Q How are the records at L & S kept?

2 A By jobs, individual jobs.

3 Q You have job records?

4 A Yes.

5 Q And how far back do your job records go?

6 A The Office Manager was able to find records going back  
7 to '66.

8 Q What does a particular job record consist of?

9 A File with the estimate, time tickets and material  
10 tickets, those that were sent out to the job.

11 Q What are the time tickets?

12 A Individual tickets that the men turn in as to their  
13 hours on that particular job.

14 Q So, in the job records, we can find out who worked on  
15 a job and when they worked on the job?

16 A Yes.

17 Q And the material tickets show the items that were sent  
18 to the job to be used by the workers, is that correct?

19 A Yes, they do.

20 Q How are your job records categorized? Are they kept  
21 by customer or by time period or what?

22 A In relation to materials?

23 Q Well, if I was trying to find out all the jobs that  
24 Erich Eckoldt, for example, -- I don't know if he worked  
25 for your company -- worked on, how would I go about

1           doing that?

2       A     I have them.

3       Q     You have them here?

4       A     I have them here, yes.

5       Q     They are over in those boxes?

6       A     Yes.

7       Q     Have you gathered all the records relative to all the  
8           employees and the jobs they were on that worked for  
9           you?

10      A     All those that were listed and those that actually  
11           worked for us. Some didn't.

12      Q     How did you connect the people with the jobs so that  
13           you could pull the job records?

14      A     Correlation of numbers, payroll records which showed  
15           what job numbers they worked on and then she had to go  
16           back into our --

17      Q     So, other than job records, there are also payroll  
18           records that are kept by the company?

19      A     Yes.

20      Q     What information is on the payroll records?

21      A     Just their earnings.

22      Q     Time period over which the money was earned?

23      A     Yes.

24      Q     The job on which they worked to earn the money?

25      A     I think the Contract Numbers are indicated.

1 Q Is there a separate payroll record for each employee?

2 A M-hm, yes.

3 Q Are the job records and the payroll records the two  
4 basic categories of records that would help us in  
5 finding out what products were used on jobs and where  
6 the guys worked, etc.?

7 A The job files will have the material tickets in them  
8 and that's what will indicate to you what was used  
9 on that particular job, other than carload invoices  
10 which might also be on there.

11 Q What's a carload invoice?

12 A An invoice for a carload of material from any manu-  
13 facturer.

14 Q That's talking about your purchases as opposed to  
15 something you sent out to a job?

16 A M-hm, yes, but anything that was sent to the job is  
17 listed on the ticket.

18 Q If we wanted to find out the precise time periods over  
19 which somebody worked, we would go to the payroll  
20 records?

21 A Yes.

22 Q Mr. Borchardt, you have had somebody in your office  
23 go through the payroll records you have for the named  
24 people, is that correct?

25 A That's correct.

1 Q Off the payroll records, they got the job numbers for  
2 the jobs these people worked on?

3 A That's correct.

4 Q And then that person went and pulled all those job  
5 files out, is that true?

6 A That's true.

7 Q And those are the documents you've produced in the  
8 three boxes today?

9 A That's correct.

10 Q And in the boxes, some of the job files are bunched  
11 by rubberbands together and by category of a particular  
12 employee, isn't that correct?

13 A That's correct.

14 Q For example, I've got a stack here about eight inches  
15 high of Robert Gaynor.

16 A Those are all the jobs that he worked on for our company  
17 in his time of employment.

18 Q In addition, there are some other job files in there  
19 that aren't bound together with other ones because  
20 more than one of the named people worked on that job?

21 A That's correct.

22 Q Are all your job files kept in the same fashion, I  
23 mean the documents that go inside them, etc.?

24 A To this day.

25 Q You also indicated to me off the record that you don't

1 believe that you have the payroll records for the  
2 particular employees here, is that correct?

3 A Not in this group of papers. Those are at the office.

4 Q Still back at the office.

5 A Correct.

6 Q Now, did the person in your office who worked on this  
7 for you summarize the time periods over which the  
8 employees worked and all the job numbers on one sheet  
9 of paper?

10 A Yes.

11 Q Is that because you instructed that person to do that?

12 A For convenience.

13 Q Okay.

14 A Designation of years and file numbers so she could pull  
15 them out, locate them.

16 Q So, for each of the employees involved, there is a  
17 sheet that lists the time periods and the job numbers  
18 over which the persons worked? Is that correct?

19 A That's correct.

20 (Discussion off the record.)

21 MR. YOUNG: The record should reflect that  
22 I just marked the three boxes, Boxes 1, 2 and 3. Box  
23 No. 1 contains records relative to Clifford Neubauer,  
24 is that correct, Mr. Borchardt?

25 THE WITNESS: That's correct.

1 MR. YOUNG:

2 Q Can you tell us which records are in Box No. 2?

3 A Robert Gaynor's, and William Globig's.

4 Q And tell us what's in Box 3?

5 A Lillge, Clarence Lillge, Erich Eckoldt, and Clarence  
6 Reimer, Frank Witkowski.

7 Q Now, aren't there some job files that are -- relate  
8 to one or more than one of these employees?

9 A Yes.

10 Q How many of those are involved in all these records,  
11 if it's just a few, or are there a lot of them?

12 A Four.

13 Q Are those four -- which box are they in?

14 A Box 3.

15 Q And all those cases, those files in Box 3, relate to  
16 the people whose files are in Box 3?

17 A I think so. I think that's how she did it. Let's see.  
18 Gaynor was over there.

19 MR. GOLDBERG: Gaynor was in 2.

20 THE WITNESS: I think that's why she has them  
21 here. They related to these three people. They happen-  
22 ed to have worked on the same job.

23 MR. YOUNG:

24 Q This is the summary sheet for Mr. Neubauer?

25 A Yes.

1 (Defendants' Exhibit No. 142 marked for  
2 identification.)

3 MR. YOUNG:

4 Q Mr. Borchardt, the reporter has just marked an eight-  
5 page document as Exhibit 142, and I'd like you to  
6 describe it for us, please.

7 A The summary sheets for Cliff Neubauer, for the years  
8 '66 through '73, listing the job names and the contract  
9 file numbers.

10 Q And there is also a slip of paper that's part of the  
11 Exhibit that just has job numbers on it?

12 A They are the same.

13 Q From looking at this summary, 142, can I tell the  
14 exact time period over which Mr. Neubauer worked?

15 A No.

16 Q By referring to the jobs involved there, would I be  
17 able to ascertain that?

18 A Mr. Neubauer worked for us full-time through all those  
19 years. My answer was that he worked previous to that  
20 which records we don't have.

21 Q Did some of the workers for your company work just on  
22 a job and then leave and go somewhere else?

23 A Yes.

24 Q But in Mr. Neubauer's case, he was working continuous-  
25 ly for you?

1 A He worked full-time.

2 Q Now, Box No. 2, we have got Mr. Gaynor?

3 A Right.

4 (Defendants' Exhibits Nos. 143 and 144  
5 marked for identification.)

6 MR. YOUNG:

7 Q Mr. Borchardt, would you describe for the record  
8 Exhibit 143, please?

9 A Robert Gaynor's years of employment scattered, '67,  
10 '68, '70, the job names and the contract file numbers.

11 Q Now, I note that this summary sheet provides dates to  
12 the day over which this person worked, is that correct?

13 A Yes. Those she took off the payroll records.

14 Q Are there instances where jobs didn't have job numbers  
15 or they couldn't find them or something in that  
16 nature? I note there are some blanks where there is  
17 not a job number following the name of a job, it seems.

18 A It could have been a charge on a white ticket or a  
19 small job that didn't have a file number and it would  
20 be almost impossible to find. Some of those records  
21 were not kept.

22 Q Well, would it be fair to state that the jobs listed  
23 are just the big jobs or --

24 A They should be the majority of them.

25 Q Do you know whether Mr. Gaynor worked for your company

1 prior to 1966?

2 A I don't think so.

3 Q Do your payroll records only go back to '66 as well?

4 A Yes.

5 Q So according to this document, Mr. Gaynor worked in  
6 1967 from November 11th to December 30th and in 1968  
7 from January 6th to September 14th, and in 1970 from  
8 January 31st to October 3rd?

9 A That's correct.

10 Q Now, out of the grouping of job files for Mr. Gaynor,  
11 I pulled out the one that's labeled Hamilton High  
12 School in Sussex, and we are going to take a look at  
13 it. Mr. Borchardt, would you consider the job jacket  
14 for Hamilton High School to be a representative one,  
15 as good as any other?

16 A I would say so. That's the cost sheet.

17 Q This accounting type sheet is a cost sheet for the  
18 job?

19 A Yes.

20 Q This packet of items called "Time Tickets," that's  
21 exactly what they are?

22 A Yes.

23 Q Is there a separate time ticket for each of the  
24 employees on a job, or did a couple of employees fill  
25 out the same time ticket?

1 A No, separate time sheet for every employee.

2 (Discussion off the record.)

3 MR. YOUNG:

4 Q Can you describe what these are?

5 A They are Job Material Tickets and the copies, the  
6 yellows, are the copies.

7 Q These show what was sent to the job, is that true?

8 A That's correct.

9 Q What was the practice followed by -- well, first of  
10 all, who fills out these material tickets?

11 A Could be one of any -- anyone in the office.

12 Q Is there a person -- I'm not looking for their name,  
13 but the position that person would hold.

14 A Whoever would be handling the job would most likely  
15 fill out the ticket.

16 Q Was there a practice followed by the company in the  
17 language that was used on the material sheets?

18 A Identifying products or items, there were some  
19 generalizations used and that is on any ticket that  
20 says "One Coat Cement," it could have been one of  
21 four or five different manufacturers, and the other,  
22 same applied to Fiberglas, that if we list a Fiberglas,  
23 it could have been from any group of manufacturers and  
24 the same thing with Kaylo, it could have been --

25 Q When "Kaylo" was written on one of these tickets, it

1 could mean something made by somebody other than

2 Owens-Corning?

3 A Yes, it could.

4 Q What did Kaylo mean generically?

5 A Calcium silicate.

6 (Discussion off the record.)

7 MR. YOUNG:

8 Q So, in addition to the job tickets, the material and  
9 the material sheets, there is also the purchase order  
10 from the people who were hiring L & S to do the job  
11 and correspondence that -- between the person paying  
12 for the job and other miscellaneous documents pertinent  
13 to the job, is that correct?

14 A That's correct, including the specifications which would  
15 also indicate which materials were used on the job.

16 Q On occasion, a general contractor would specify to you  
17 whose products to use?

18 A Not a general contractor as much as a mechanical  
19 engineer.

20 Q So somebody who was hiring you to do the job would  
21 specify what should be used, is that correct?

22 A Yes.

23 Q How often were -- was a particular manufacturer's  
24 product specified, generally speaking?

25 A Not too often in the earlier years. Now, it's a

1       generalization, Owens-Corning, Johns-Manville, etc.,  
2       common reference.

3       Q     With respect to Mr. -- the package of Mr. Lillge's  
4             documents in addition to the job files and the job  
5             summary, there is another document, is there not?

6       A     Yes, there is.

7       Q     What is it?

8       A     It's the -- it's a required statement as to whether  
9             they would or would not take a medical examination  
10            per OSHA regulations.

11      Q     And these documents were pulled out if you had them  
12             for the particular employees?

13      A     Yes.

14      Q     They are among the documents you produced for us today?

15      A     Yes.

16      Q     Other than those documents, does the company have any  
17             other personnel records?

18      A     No, we don't require any filled in sheet, age, or  
19             religion or anything of that nature.

20      Q     So the only documents that you have back at your  
21             office that relate to these employees would be your  
22             payroll records, is that correct?

23      A     That's correct.

24             (Defendants' Exhibit No. 145 marked for  
25             identification.)

1 MR. YOUNG:

2 Q If the record doesn't already reflect it, 144 is Mr.  
3 Globig's summary?

4 A Correct. He was employed prior to the time of OSHA  
5 so there would be no copy of this.

6 Q I see. Did the employee have to fill out the OSHA  
7 health exam form when they started to work after OSHA  
8 came into effect?

9 A Not when they started to work. A yearly exam is re-  
10 quired.

11 Q They had to fill one out every year?

12 A They had to acknowledge as to whether they would or  
13 would not take the exam.

14 Q If somebody wasn't working for your company after  
15 OSHA came into effect, they wouldn't have a medical  
16 form like that, would they?

17 A Not that I'm aware of.

18 Q Exhibit 145 is a two-page document which is a summary  
19 of employment and jobs for Clarence Lillge, isn't that?

20 A That's correct.

21 (Defendants' Exhibit No. 146 marked for  
22 identification.)

23 MR. YOUNG:

24 Q And the reporter has marked as Exhibit 146 a summary  
25 sheet relative to Erich Eckoldt showing the jobs that

1 he worked on and the various years, is that correct?

2 A Yes.

3 Q There are two pages and there is a second page that  
4 is in a different handwriting and has some other in-  
5 formation on it?

6 A That's the other office girl's writing, doing the work  
7 for the office manager.

8 (Defendants' Exhibit No. 147 marked for  
9 identification.)

10 MR. YOUNG:

11 Q Exhibit 147 is a summary sheet for times and jobs  
12 worked by Clarence Reimer?

13 A Yes.

14 (Defendants' Exhibit No. 148 marked for  
15 identification.)

16 MR. YOUNG:

17 Q Exhibit 148 is a two-page document and is the summary  
18 of times worked and jobs worked by Mr. Witkowski?

19 A Yes.

20 Q With respect to all of these employees, we have re-  
21 placed the summaries inside the rubberband that sur-  
22 round all the jobs that those guys worked on, is that  
23 true?

24 A That's correct.

25 Q And there are three common jobs out of Box No. 3?

1 A Yes.

2 (Discussion off the record.)

3 MR. YOUNG:

4 Q I'm looking at the job jacket for St. Catherine's  
5 Hospital. I just went through all the time tickets  
6 and I only saw Mr. Witkowski's name other than some  
7 employees that aren't involved in these cases. All  
8 I'm trying to find out is which of the people were  
9 involved with -- worked on this job.

10 A The way the girl set it up, there is -- does Irv  
11 Lisiak (phonetically) have a claim in?

12 Q Not among our litigation.

13 A He's one of them that's in here. She tried to set  
14 those that were common to this aside because she didn't  
15 think it was fair to put it in one person's file  
16 rather than the other. Now, Irv might have thrown  
17 her off because I think there was some paperwork on  
18 that, but if you go into the others -- this might be  
19 the exception -- you'll find that Witkowski and Eckoldt  
20 probably worked in those at the same time.

21 (Discussion off the record.)

22 MR. YOUNG:

23 Q So you'd agree with me, Mr. Borchardt, that on the  
24 St. Catherine's job, only Darwin Witkowski worked of  
25 the people we have got records for here, is that correct?

1 A Yes.

2 Q Would you put that with the other job jackets for Mr.  
3 Witkowski, please. The job jacket that you were just  
4 looking at was for St. Catherine's Hospital, is that  
5 correct?

6 A That's correct.

7 Q I've got another one here for St. Catherine's Hospital  
8 too, so maybe we'd better identify that by the job  
9 number.

10 A All right. It's probably a different contractor.

11 Q That was for Advance?

12 A Advance Plumbing, St. Catherine's Hospital.

13 Q What's the Contract Number on that one?

14 A 9346.

15 Q Now, I'm looking at Contract No. 9369 for St. Catherine's  
16 Hospital, the Downey Company, and, again, the only  
17 name I see here of individuals we are dealing with is  
18 Mr. Witkowski. Do you want to look through them so  
19 you can at least confirm this?

20 A That's correct. It's only Frank.

21 Q So this is just Frank Witkowski, and I ask you to put  
22 those with his records, please. I am looking at the  
23 folder for Contract No. 9121, the Downey Company,  
24 Library Learning Center, and the time tickets show that  
25 Mr. Eckoldt and Mr. Witkowski worked on this job, did

1 they not?

2 A Yes, I think that's correct.

3 Q Mr. Borchardt, has L & S, over the years that you've  
4 been involved with the company, ever followed a policy  
5 with respect to the companies from which they purchased  
6 products for use in insulation jobs?

7 A Well, we have purchased primarily from Owens-Corning  
8 Fiberglas.

9 Q Who do you actually purchase the products from by and  
10 large?

11 A From distributors mostly.

12 Q Is there one distributor you rely on the most?

13 A Yes, Building Service Incorporated. Pardon me,  
14 Building Service Industrial Sales.

15 Q Is L & S a distributor at all for a particular brand  
16 of products?

17 A No.

18 Q Have the buying practices of the company changed over  
19 the years?

20 A Not too much.

21 Q 20 years ago they were buying from Building Service,  
22 as far as you know?

A Yes.

Q Does L & S have a product sheet or product list from  
which, or to which the buyer refers when they are

1 purchasing materials?

2 A You mean a published price sheet?

3 Q Or what I'm actually looking for is something that  
4 the person who's responsible for purchasing the product  
5 would refer to when he's got to go out and buy whatever  
6 the company needs, something that he refers to that  
7 lists all the kind of things that you, your company,  
8 would buy.

9 A Not really.

10 Q Is it a practice pretty much to just call up BSI and  
11 get what they need?

12 A Yes.

13 Q Have you ever heard of Nicolet Industries?

14 A No.

15 Q To your knowledge, has L & S ever purchased asbestos  
16 products that went by the brand name K & M?

17 A We purchased corrugated asbestos from Keasby Mattison,  
18 but we did not purchase pipe covering from Keasby  
19 Mattison.

20 Q What is corrugated asbestos used for?

21 A Siding and roofing, preformed sheets.

22 Q Any of the insulation workers that we have records here  
23 for, they wouldn't have been involved in that, would  
24 they?

25 A Not at all.

1 Q Have you ever heard of products that -- I'm not talking  
2 about Keasby Mattison now, -- I'm wondering about the  
3 brand name K & M, if you recall products that went by  
4 that name?

5 A No.

6 Q Have you ever heard of Kaytherm?

7 A I might have heard of it, but I can't associate it  
8 with a company.

9 Q I've got -- I might as well tell you beforehand, I  
10 have a long list of names of products. I'm going to  
11 ask you if you've ever heard of them and then to  
12 follow up as to whether your company's ever purchased  
13 them to your knowledge. How about the name Derplex?

14 A No.

15 Q Hy-Temp?

16 A No.

17 Q Celotone?

18 A No.

19 Q Have you ever heard of any products that went by the  
20 name of Norristown?

21 A No.

22 Q Have you ever heard of products called V Dent?

23 A No.

24 Q How about Zibra?

25 A No.

1 Q Frostproof?

2 A I have a vague recollection. I can't associate it  
3 with a company.

4 Q But you remember a product that went by the name of  
5 Frostproof?

6 A It seems to me I've heard of them.

7 Q Do you know what product you are talking about?

8 A I think low temperature type material.

9 Q Do you believe that your company purchased that product?

10 A I doubt it.

11 Q How about Antisweat?

12 A Yes.

13 Q You remember some products that went by that name?

14 A Yes.

15 Q What were those type of products?

16 A Wool felt.

17 Q Did your company purchase those?

18 A Yes.

19 Q And used those products?

20 A Purchased them from Triple A out of Chicago.

21 Q Was -- do you know what Triple A stood for?

22 A Asbestos, Asphalt -- I don't know really. It's an  
23 old company. It's defunct now.

24 Q Was it a distributor?

25 A Manufacturer.

1 Q What was the wool felt used for?

2 A Insulating cold water lines primarily.

3 Q How about the name Insulatic, have you ever heard of  
4 that?

5 A No.

6 Q Alaska?

7 A No.

8 Q Norriscell?

9 A No.

10 Q Albacell?

11 A No.

12 Q Nortex?

13 A No.

14 Q Panel-tex?

15 A No.

16 Q Do you remember any products that went by the brand  
17 name of Salmo?

18 A No.

19 Q How about Multicell?

20 A Vague, no connection to a company, another low temper-  
21 ature type material.

22 Q Do you think your company purchased Multicell products?

23 A No, I don't think we did.

24 Q Did your company ever purchase products from Ryder?

25 A Cement manufacturer, yes.

1 Q Was Ryder's Cement the cement that you regularly had  
2 around?

3 A It was one of four or five.

4 Q Can you name the cements that your company used, the  
5 Four or five that you are thinking about?

6 A Eagle-Picher, Ryder, Rock Wool, Manufacturer's One Shot,  
7 J-M 352. There was a Rock Wool cement. I forget who  
8 manufactured it.

9 Q Was it called No. 55 Rock Wool Cement?

10 A Some other name, but a Rock Wool cement.

11 Q When you say "Rock Wool," you are talking about its  
12 makeup?

13 A Yes, not the manufacturer.

14 Q Standard Asbestos, is that the name of the manufacturer?

15 A No, it wasn't.

16 Q Of the -- of Eagle's, Ryder's, Rock Wool, One Shot and  
17 352 J-M, which one did you use the most?

18 A Of the One Coat cements, distributions equally, no  
19 particular at any given time. It could have been any  
20 manufacturer.

21 Q Did your company purchase products from Philip Carey?

22 A No, not directly. A supplier might have furnished us  
some indirectly, but not directly.

Q Indirectly, though, did your company have Philip Carey  
products for the workmen to use?

1 A Might have. We could have. Not in large quantities,  
2 but we must have had some. I remember it.

3 Q Was there a time period over which that was restricted?  
4 Like can you say only in certain number of years did  
5 we ever use Philip Carey products?

6 A It would be too hard to determine that.

7 Q Okay. So, would it be fair to state that on a  
8 regular basis over the years, you might have had some  
9 nominal amounts of Philip Carey products around?

10 A Not on a regular basis. We just might have had some.

11 Q Did you purchase Baldwin-Ehret-Hill products?

12 A Indirectly.

13 Q Okay. Who did you buy them from?

14 A Building Service.

15 Q You also purchased -- well, what other companies'  
16 products did you basically purchase from BSI? Owens-  
17 Corning is one.

18 A Owens-Corning. Sometimes they furnished us some J-M  
19 material, Pabco.

20 Q Did you say Pabco?

21 A Pabco, Atlas Asbestos.

22 Q Of those five names, you are talking about, pipe  
23 covering, block, those types of materials, is that  
24 correct?

25 A I'm speaking primarily of high temperature materials,

not Fiberglas.

Q Okay, but among those high temperature materials, we are talking about block, pipe covering?

A Yes.

Q Can you give us a breakdown in percentages of those products from BSI that your company purchased?

MR. HARRINGTON: Which products?

MR. YOUNG: Baldwin-Ehret-Hill, Owens-Corning, Johns-Manville, Pabco and Atlas.

THE WITNESS: It was -- it's not a great quantity of material, but I wouldn't want to break it down between them.

MR. YOUNG:

Q Did one of these to your knowledge dominate over the others?

A If we asked for some material from Building Service and they couldn't supply us Owens-Corning material, they might have supplied us any one of the other manufacturers, so I would think that predominately Owens-Corning was furnished, but any of the others might have been.

Q And it was your experience that the others were supplied, isn't that true?

A Yes.

Q When you are talking about -- and we are not talking

1 about Fiberglas now, we are talking about asbestos  
2 high temperature materials?

3 A We are talking about Calsil materials.

4 Q Has the experience in terms of percentages and how  
5 much you got from BSI of these materials, was it the  
6 same over the years from as far as you were with the  
7 company up to about 1975?

8 MR. HARRINGTON: Object to the form of the  
9 question.

10 MR. YOUNG: You can answer.

11 MR. NIEBLER: If you know.

12 MR. YOUNG: I'm trying to find out if there  
13 was a period of time where you didn't get Owens-  
14 Corning from BSI. I'm wondering if your description  
15 of your experience of the kind of products you got  
16 from BSI stayed the same.

17 THE WITNESS: Very much so for all the time  
18 that I've been with the company.

19 MR. YOUNG:

20 Q Do you recall your company ever purchasing products  
21 made by National Gypsum?

22 A No.

23 Q Is the Atlas Asbestos you refer to a company that's  
24 located in Canada, to your knowledge?

25 A Yes.

Q Do you recall if your company purchased asbestos products that were made by Flintkote?

A No.

Q Do you know if your company purchased products that were manufactured, asbestos products manufactured by Unarco?

A No.

Q Have you ever heard of Unarco Board?

A I've heard of it.

Q Do you know that your company never had that around?

A I don't remember the company purchasing any of that.

Q Do you know whether your company purchased products that were manufactured by Southern Asbestos?

A No.

Q Do you recall your company using a cement called No. 127?

A No.

Q How about FI?

A No.

Q Do you remember products called Caltemp?

A No.

Q Do you remember insulation that went by the brand name of LK?

A No.

Q How about insulation called Pyrocal?

1 A No.

2 Q Do you remember products that went by the name Plant?

3 A No.

4 Q Who did you understand Pabco products to be manufactured  
5 by?

6 A I didn't, just that was the name that was given us.

7 Q That's P-a-b-c-o?

8 A Correct.

9 Q Do you know whether your company purchased products  
10 manufactured by Raybestos Manhattan?

11 A Not to my knowledge, they didn't.

12 Q Have you ever heard of -- well, did your company ever  
13 purchase asbestos yarn?

14 A Not for any specific reason. Again, Building Service  
15 might have furnished us some asbestos cloth at a  
16 given time, but I wouldn't be able to tell you who the  
17 manufacturer was.

18 Q With respect to the asbestos cloth that you purchased,  
19 do you remember any brand names?

20 A No, I don't.

21 Q Have you ever heard of Glassbestos?

22 A No.

23 Q Rhinobestos?

24 A No.

25 Q Polybestos?

1 A No.

2 Q Silvabestos?

3 A No.

4 Q Have you ever heard of Novatex?

5 A No.

6 Q How about Sealsafe?

7 A No.

8 Q Speedlag?

9 A No.

10 Q How about a cloth called 1133?

11 A No.

12 Q Tribestos?

13 A No.

14 Q Goldbestos?

15 A No.

16 Q Novabestos?

17 A No.

18 Q Fluorobestos?

19 A No.

20 Q How about Terrybestos?

21 A No.

(Discussion off the record.)

MR. YOUNG:

22 Q Do you remember a one-coat cement called No. 9?

23 A No.

1 Q How about No. 55 Rock Wool Cement, have you ever heard  
2 of that?

3 A I've heard of it, yes.

4 Q Do you know if your company purchased that stuff?

5 A I couldn't really tell you unless you tie it in with  
6 a manufacturer.

7 Q Does your company have purchase records of -- showing  
8 all your inventory or things of that nature?

9 A We have invoices.

10 Q From the companies that sold you the products?

11 A Primarily from Building Service.

12 Q Do those invoices on the Building -- or from Building  
13 Service, show the manufacturer's name to your recol-  
14 lection?

15 A Might and might not.

16 Q Did your company pretty much just use what Building  
17 Service supplied?

18 A Well, they supplied everything that we needed and we  
19 were primarily glass users, so they were our primary  
20 source of material.

21 Q Have you a recollection of your company purchasing  
22 asbestos products manufactured under the name Rubberoid?

23 A Rubberoid, no. I know there is a -- I know it as a  
24 roofing company, but not pipe covering materials.

25 Q Have you ever heard of a pipe covering called Calsilite?

1 A No.

2 Q How about 115 Cement?

3 A No.

4 Q 214 Cement?

5 A No.

6 Q Have you ever heard of P & A 100 Insulation Jacketing?

7 A Vague. Again, memory, not purchasing.

8 Q Do your remember if your company purchased or used  
9 products manufactured by Armstrong Cork?

10 A Yes, we do. We did.

11 Q What products?

12 A Armstrong Cork has furnished us Armaflex, pipe and sheet.  
13 They furnished us urethane products, their Armalot,  
14 and they furnished us Aukotherm (phonetically).

15 Q Are any of those asbestos products?

16 A No.

17 Q Do you recall if your company ever used a product  
18 called LT cork covering?

19 A No.

20 Q How about products called Kamatt?

21 A No.

22 Q Mani-Ply?

23 A No.

24 Q Bestfelt?

25 A No.

1 Q Air Cell?

2 A Yes.

3 Q Do you know where you got the Air Cell you used?

4 A Triple A, Chicago.

5 Q How about No. 152 Cement?

6 A That has a familiar ring to it.

7 Q Are you confusing that with the J-M 352, is it?

8 A No. It seems to me -- again, I can't tell you the  
9 manufacturer and I can't tell that we purchased it.

10 It just -- has a familiar --

11 Q I know who manufactured it. I'm wondering if your  
12 company might have used it.

13 A Not to my knowledge.

14 Q Do you have a recollection of Amblerex No. 2 Cement?

15 A No.

16 Q How about products from Combustion Engineering?

17 A No.

18 Q Did your company ever purchase fibrous adhesive?

19 A Yes.

20 Q What did you use that for?

21 A Adhering high temperature blocks.

22 Q Did you use it to connect blocks?

23 A No.

24 Q You just used it to connect it to the boiler or whatever?

25 A To the boiler or breaching.

1 Q How about Unibestos, did your company use that stuff?

2 A I've heard of it. We might have used a small quantity  
3 of it, but not anything --

4 Q Did you understand the Unibestos that your company  
5 used to be manufactured by Pittsburgh Corning?

6 A I believe it was, yes.

7 Q Do you remember that being used on a specific job?

8 A No.

9 MR. HANKEL: Object to that, assuming some-  
10 thing that the witness did not testify to.

11 MR. YOUNG:

12 Q Do you have a time period in mind with respect to  
13 Unibestos being used at your company?

14 MR. HANKEL: Same objection.

15 THE WITNESS: No.

16 MR. YOUNG:

17 Q Do you recall your company purchasing products manu-  
18 factured by Forty-Eight Insulations?

19 A We have over the years.

20 Q What Forty-Eight products?

21 A Primarily mineral wool.

22 Q Does that have asbestos in it?

23 A Not to my knowledge, it doesn't.

24 Q Do you recall a cement called MWI Hy-Temp bonding  
25 cement?

1 A No.

2 Q How about Weber's 48 Cement?

3 A No.

4 Q Super 48 Cement?

5 A No.

6 Q Quick-Set Cement?

7 A No.

8 Q Weber's High Temperature Block?

9 A No.

10 Q It's your testimony, isn't it, that when the material  
11 sheets say "Kaylo," that doesn't necessarily mean  
12 Owens-Corning product, correct?

13 A Not 100 per cent of the time.

14 Q All the products that you bought from BSI in that  
15 -- the High Temperature Calsil products were called  
16 Kaylo by your company, isn't that true?

17 A We list it on the job tickets as Kaylo.

18 Q And it could have been the Baldwin-Ehret-Hill, J-M,  
19 Pabco or Atlas products that were actually going out  
20 to the job, isn't that true?

MR. HARRINGTON: Object to the form of the  
question.

THE WITNESS: Yes.

MR. YOUNG:

Q Did L & S, at any time, provide masks for their workers

1 to use?

2 A Yes.

3 Q When did that first take place?

4 A That occurred prior to my starting with the company.

5 Q Prior to 1950?

6 A Yes, and it was just one of those items that was --  
7 they were there and they were available for those  
8 that wanted to use them.

9 Q When you started out with the company, did anybody  
10 use them?

11 A When I started in pipe covering, I knew -- I recall  
12 people using masks occasionally.

13 Q Did a time come when L & S required that they be used?

14 A Yes.

15 Q When did that occur?

16 A With the advent of OSHA.

17 Q So, about the time OSHA went into effect, that's when  
18 L & S ordered the workers to use the masks?

19 A Yes.

20 Q How many different kinds of masks have been made  
21 available by L & S?

22 A Four or five.

23 Q What were these original masks like back in 1950?

24 A I can't tell you the manufacturer.

25 Q Well, what were they like?

A Rubber face type mask, not as sophisticated as they are today.

Q They didn't have filters and things?

A I don't think so.

Q How long were those kind of masks, the kind that were available?

A How long were they available?

Q Yeah. I'm trying to find from when you got started at L & S up to some point the next advanced mask come out?

A Early '60s is when the better masks started to become available and they were made available to the men.

Q When did you first hear of asbestosis?

A A time frame?

Q Yes.

A I first heard of people dying of asbestosis from some of our men whose relatives had died of it.

Q Was this in the middle '60s?

A Late '50s, early '60s, just general conversation.

Q Were the persons who you heard of it from any of the people whose records we've got here today?

Do you remember any conversations with people concerning asbestosis?

A I believe the only one that would really be Cliff.

Q Why is that?

A I think he had some relatives that contracted asbestosis.

Q That's what Mr. Neubauer told you?

A Yes.

Q When did you talk to him about that?

A That same time frame, late '50s, early '60s.

Q That's Cliff Neubauer you are referring to?

A Yes.

Q Did L & S ever provide safety information to the workers about the hazard of asbestos fibers?

A L & S did not because they didn't have any.

Q There weren't any meetings warning the workers?

A No, had nothing because we weren't aware of it.

MR. YOUNG: No more questions.

E X A M I N A T I O N

BY MR. STANGLE:

Q When you heard this talk about people having asbestosis in the '50s and '60s, what response, if any, did the company make to that?

A L & S?

Q Yes.

A L & S, those were not items directed to the company. There was just general information and knowledge, items that were just in passing, someone would refer to a person that had died and would say, "Oh, he died

of asbestosis." I don't even know if they were correct,  
and it was always associated with power houses.

Q The company had no specific response to that?

A It was never directed to the company.

Q Okay. When was the first time any worker made an  
asbestosis claim against L & S under the Worker's  
Comp Act that you recall?

A I'm not certain of this. I think it was Mr. Gottsucher,  
and that was maybe 10 years ago.

Q When was the last time L & S used a thermo insulation  
product containing asbestos on the job?

A Shortly after the manufacturers stopped producing it,  
because we never inventoried a great quantity of that.

Q Would 1972 sound about right to you?

A It could have been '71, '72.

Q And after that time you didn't continue any asbestos  
products in your inventory, did you?

A No, we didn't.

Q Is L & S involved in reinsulation work or what's called  
retrofitting?

A Not to a great degree. We are doing a minimal amount.

Q Do you know whether any of the individuals we have  
records here for today were ever involved  
insulation project for L & S where they were  
ripped out some old asbestos?

A Of the -- of all of them, I could only imagine that maybe Mr. Neubauer, because of the number of years that he worked for us.

Q He would be the only one that you would even have a guess about?

A I would think somewhere along the line he would have run into something of that nature, but not the other ones. They would have worked on new jobs.

MR. STANGLE: No other questions.

E X A M I N A T I O N

BY MR. SCHMECKPEPER:

Q Mr. Borchardt, for those jobs where the contract specified the manufactured product that was to be used, can we infer that L & S did use that particular manufactured product on that job?

A Not necessarily.

Q Could have been substitutions?

A Yes.

Q For the jobs where the contract did not specify the product, as I understand it, the job or the material tickets would only have a general description of the type of material sent to the job, is that correct?

A That's correct.

Q Do you know of any way that we can, from any of the records L & S has, determine which manufacturers'

products went out to that job?

A Not from those tickets, no.

Q You have no other records at L & S which would tie into those tickets?

A My purchases were primarily from Building Service and if they sold it to me and if their invoice didn't show another brand name, I wouldn't know.

Q The records you produced here today, as I understand it, started in 1966?

A Yes.

Q When do they end?

A '74 or '5.

Q During that period --

A '78, pardon me.

Q During that period of time, did L & S do any insulation involving asbestos products which are not reflected in those records you produced here today?

A I'm sorry, please clarify.

Q Did you have other insulating jobs where you used asbestos products which are not contained in these three boxes?

A Any products that contained asbestos that didn't relate to these men would not have been brought here.

Q What I'm wondering is did you do other insulating jobs and used asbestos where these men didn't work on

the jobs?

A Yes.

Q When you were working for the company back in the '50s, did you know why the masks were available?

A It was a generalization about dust at that time.

The dust of the material, or the dust of the cements was primarily why they wore the masks.

Q Back in the '50s, was it your understanding that that was, the mask was provided basically for health reasons due to the dust?

A Just for dust and not -- I don't think anyone associated it to health at that time.

Q Do you recall ever seeing any of the individuals whose records you have produced here today wearing masks on any jobs they were working on?

A I think I remember that at a given time they might have all worn a mask that I can remember. Some of these jobs, I didn't handle, but I think I can say at a given time. They didn't wear them continuously.

Q Do you know what determined whether or not they would wear a mask at a particular time?

A The individual, the man.

Q If he felt like wearing a mask particularly, he would put it on?

A Yes.

1 Q During the '50s and '60s, did L & S have someone  
2 whose job involved safety?

3 A No.

4 Q Was there anyone in the company during the '50s and  
5 '60s who was charged with the responsibility of making  
6 sure the jobs were performed safely?

7 A In that respect, yes. Anyone that ran a job was  
8 required to enforce good safety practices as to  
9 scaffolding and staging any rigging of any kind.  
10 That was an individual. Any individual in the company  
11 could do that.

12 Q During that time period, was the wearing of a face  
13 mask considered part of good safety practices?

14 A No.

MR. SCHMECKPEPER: Nothing further.

E X A M I N A T I O N

15 BY MR. HANKEL:

16 Q Mr. Borchardt, you said you had some invoices from  
17 Building Services. What period of time do you have  
18 those invoices?

19 A I'm sorry. I don't know how far back the girl has  
20 it. Our office girl has been with us for 30 years.  
21 I don't know how far back they go. They are not here.

22 Q They might go back to the 1960's?

23 A They could.

Q You stated that your company purchased and used a product called fibrous adhesive, right?

A Yes.

Q And you don't know the manufacturer of that product?

A Yes, I do.

Q Who was the manufacturer of that product?

A Benjamin Foster.

Q You also said that you had heard of a product called Unibestos, correct?

A Correct.

Q And it's your testimony that you have no specific recollection of whether your company actually used that product, is that correct?

A I thought I said I remember using some of the product, but I had no quantity or no time frame that I could identify it with.

Q You don't know if it was in the 1950's?

A No.

Q In any event, that use of the product would have been relatively little compared to your company's overall use of asbestos-containing products, is that correct?

A It would have been minimal.

Q Again, you don't know the manufacturer of that product, do you?

A I thought it was established Pittsburgh Corning.

Q Do you recall that it was Pittsburgh Corning?

A No, I didn't.

Q Do you recall that it was Unarco?

A No.

MR. HANKEL: I have nothing further.

E X A M I N A T I O N

BY MR. HARRINGTON:

Q You mentioned you purchased some Calsil from Pabco, is that right?

A Correct.

Q Is that the only generic type of product you ever purchased from Pabco in your recollection?

A I think Pabco made a cement too that was furnished. These were furnished through Building Service and I recall a cement and I don't really know that they furnished us anything else.

Q Do you recall receiving the cement at L & S?

A No, I don't recall that.

Q You don't have any actual knowledge that you ever got any Pabco cement, is that right?

A No, I don't, other than Building Service's record.

Q Now, Calsil, itself, is a relatively new product, isn't it?

A No, I wouldn't -- in relation to glass?

Q In relation to other asbestos-containing products.

1 A I can't answer that.

2 Q Well, Magnesia products came before Calsil products  
3 came out, isn't that right?

4 A Yes, but I thought Calsil was manufactured in the '50s.  
5 I'm not sure of that.

6 Q In fact, Calsil is still manufactured today, isn't it?

7 A Yes.

8 Q And at some point in time, Calsil became asbestos free?

9 A True.

10 Q Do you recall when your company received Calsil from  
11 Pabco?

12 A No.

13 Q In fact, it could have been after Calsil became asbestos  
14 free as a product, isn't that right?

15 A Could have been, yes.

16 Q And you have absolutely no recollection of when you  
17 received the Calsil?

A No, I don't.

Q Now, you say that your material tickets -- strike that.  
Kaylo is a Calsil too, is it not?

A Kaylo is a trade name for a Calsil material.

Q It's a calcium silicate product?

A Yes.

Q So your material tickets specified Calsil -- strike  
that. Your material tickets specified Kaylo for all

1 your Calsil, is that right?

2 A That's correct.

3 Q So there is no way from your material records to  
4 determine whose Calsil, other than Kaylo, was sent  
5 to a certain job, is that right?

6 A That's correct.

7 MR. YOUNG: Object to the form of that  
8 question.

9 MR. HARRINGTON:

10 Q Now, you are not claiming that you ever bought any  
11 Calsil from Pabco directly are you?

12 A I don't recall it. I recall that we purchased some  
13 through Building Service.

14 Q It would all have been through Building Service, is  
15 that right?

16 A Yes, I would think so.

17 Q And you've never seen any product with the Pabco name  
18 on the packaging, have you?

19 A Yes, I have.

20 Q Okay, but you don't recall when?

21 A I don't recall when.

22 MR. HARRINGTON: That's all the questions  
23 I have.

MR. MENTKOWSKI: I have a few questions.

E X A M I N A T I O N

1 BY MR. MENTKOWSKI:

2 Q Sir, based upon your testimony earlier, I understand  
that you did do some reinsulating work, is that correct?

3 A Recently.

4 Q All right. Just so we are on the same wave length here,  
when I talk about reinsulating work, I'm thinking of  
pulling asbestos out of a place and leaving it that  
way or coming back in and replacing it with a different  
kind of insulating material. Is that what you under-  
stand that to be?

5 A Yes.

6 Q About how many reinsulating jobs has your company done?

7 A Recently, we have done a few. That's not -- within  
the last two or three years, 10 perhaps.

8 Q Did you first do a reinsulating job 10 years ago  
approximately?

9 A Not other than a tie-in on a system, on an old system  
from an addition to that system. Then you wouldn't  
call that reinsulating.

10 Q All right. I'm not sure I understand that answer.  
Are you saying that about 10 years ago you did do a  
regular reinsulating project?

11 A No. I'm saying that all the reinsulating projects were  
recent, but at any time, any old system, we might have  
tied into an old system.

Q But the recent reinsulating projects then would be of a different nature?

A They were more like complete projects, for instance.

Q Pulling the asbestos out and putting something else in?

A Yes.

Q About how many of those jobs have you done?

A I'd say 10 perhaps at the most.

Q When did you first do a job like that?

A First large one was the Medical Center in Madison. University Hospital, pardon me.

Q Do you know the reason that was done?

A Yes. They wanted to get rid of the asbestos.

Q And about when was that one done?

A Almost a year ago.

Q And you've done about 10 similar jobs?

A No, just very small, you know, not nothing to amount to anything. 30 feet here, 20 feet there, no large project. The large projects are actual reinsulating projects. They don't remove the asbestos.

Q What do they do when they reinsulate in those instances?

A They take another material and completely enclose the asbestos product.

Q Have you done a number of those projects?

A Quite a few.

Q Are those large projects or --

1 A Yeah, they are large.

2 Q I'm not sure if I asked you this, but do you know about  
3 when you first did one of those kinds of jobs?

4 A Four or five years ago.

5 Q Do you know who you did it for?

6 A State of Wisconsin.

7 Q Can you identify the project for me?

8 A Madison Tunnels, existing tunnels.

9 Q What are the Madison Tunnels?

10 A Steam distribution tunnels for the Capitol and the  
University.

11 Q And these were reinsulated for the purpose of, in  
effect, getting rid of the asbestos problem?

12 A No. They were reinsulated because of fuel cost.

The side benefit was that it covered up the existing  
asbestos.

13 Q Would the University Hospital job be the first one  
14 that you did where their -- the primary concern to the  
15 job was to get rid of the asbestos?

16 A Yes.

17 Q How many other jobs have you done where the primary  
concern is getting rid of the asbestos?

18 A None.

19 Q That's all I have.

E X A M I N A T I O N

1 BY MR. WRENN:

2 Q Mr. Borchardt, you testified that you did use the  
3 brand product called Kaylo as opposed to the general  
4 Calsil product that your tickets showed as Kaylo?

5 A Yes.

6 Q You did use that brand product as well?

7 A Yes.

8 Q Can you tell me the earliest date that you recall  
9 L & S using that brand product?

10 A I'm sorry, I can't, but I would think that if you know  
11 the date it was manufactured, it would have been just  
12 a reasonable time after that that we probably purchased  
13 some.

14 Q Are you talking about in the '50s or the '60s, as  
15 far back as that?

16 A If it was manufactured in the '50s, I'm sure that we  
17 purchased some in the '50s.

18 Q Who was the manufacturer of that product, to your  
19 knowledge?

20 A Owens-Corning Fiberglas.

21 Q Did you use that product for specific types of jobs or  
22 did you just use it generally in insulation?

23 A Only for high temperature installations.

24 Q Would that have been a substantial number of the jobs  
25 that L & S was doing or a small amount?

1 A A minority.

2 Q Did you, yourself, actually see the Kaylo product,  
3 -- all my questions are the specific brand Kaylo?

4 A Yes.

5 Q And did you, yourself, see it?

6 A Yes.

7 Q Was there -- at any time from the first time that you  
8 saw it until the last time that you saw it was there  
9 ever any change in packaging or labeling at all?

10 A I don't know that I can answer that truthfully. I  
11 think the product improved, but I can't tell you how  
12 they did it.

13 Q But you don't recall a specific change in the packaging  
14 of the material?

15 A I don't recall. That occurs so often with so many  
16 products, I wouldn't be able to tell you that.

17 MR. WRENN: No further questions.

18 Thank you.

19 E X A M I N A T I O N

20 BY MR. STANGLE:

21 Q Now, with the reinsulating and retrofitting work, was  
22 all this work done since OSHA came into effect  
23 essentially?

24 A Yes.

25 Q And masks would be required when you are doing this

1 because there is an asbestos product there, is that  
2 right?

3 A Yes. They are very strict about monitoring and  
4 spraying and removal. It was all monitored by the  
5 State out at the University Hospital under their  
6 control.

7 Q And L & S is very strict to make sure they wore the  
8 masks while they were doing the work?

9 A Yes.

10 E X A M I N A T I O N

11 BY MR. VLASAK:

12 Q Mr. Borchardt, you said that you bought mineral wool  
13 from Forty-Eight Insulations?

14 A Yes, through Building Service.

15 Q It's your understanding that that product did not  
16 contain asbestos, is that correct?

17 A That's my understanding.

18 Q Approximately when did you purchase this? Can you  
19 recall the years?

20 A Over the last 15 years.

21 Q Do you have any recollection of having purchased  
22 any asbestos containing products from Forty-Eight  
23 Insulations?

24 A No.

MR. VLASAK: I have no further questions.

E X A M I N A T I O N

BY MR. YOUNG:

Q Mr. Borchardt, was your company using Kaylo brand products in 1950 when you started with the company?

A I wouldn't be able to answer that. I worked in the other division. In '55, I'm not sure. I can't -- because I remember Magnesia Triple A.

MR. YOUNG: No more questions.

(Discussion off the record.)

MR. YOUNG: Make sure the record shows that the boxes of documents that Mr. Borchardt has produced are going to be kept in his counsel's office, Mr. Niebler.

MR. NIEBLER: Right, at anybody's convenience.

(Whereupon the examination was concluded at 3:00 p.m.)

1 STATE OF WISCONSIN)  
2 ( SS.  
3 MILWAUKEE COUNTY )

4 I, NANCY D. HANNA, a Notary Public in and  
5 for the State of Wisconsin, do hereby certify that the  
6 above deposition was recorded by me and was reduced to  
7 writing under my personal direction.

8 I further certify that said deposition was  
9 taken at the Milwaukee Bar Association, 610 North Jackson  
10 Street, Milwaukee, Wisconsin, on the 14th day of July,  
11 A.D., 1980, commencing at 1:10 p.m. and concluding at  
12 3:00 p.m.

13 I further certify that Mr. Albert J. Goldberg  
14 of the firm of Goldberg, Previant, Uelmen, Gratz, Miller,  
15 Levy & Brueggeman, S.C., appeared on behalf of plaintiffs,  
16 Mr. Mark S. Young, of the firm of Borgelt, Powell,  
17 Peterson & Frauen, appeared on behalf of Owens-Corning  
18 Fiberglas Corp., Mr. Timothy F. Mentkowski, of the firm of  
19 Riordan, Crivello, Sullivan & Carlson, appeared on behalf  
20 of Johns-Manville Co. and Johns-Manville Corp., Mr. Daniel  
21 Stangle, of the firm of Otjen & Van Ert, S.C., appeared on  
22 behalf of Keene Corp., Mr. John D. Bird, of the firm of  
23 Churchill, Duback & Smith, appeared on behalf of Jim Walter  
24 Corp. and Celotex Corp., Mr. Robert E. Hankel, of the  
25 firm of Schoone, McManus, Hankel & Ware, S.C., appeared  
26 on behalf of Pittsburgh Corning Corp. and Combustion

1 Engineering, Mr. Jeffrey Schmeckpeper, of the firm of  
2 Kasdorf, Dall, Lewis & Swietlik, S.C., appeared on behalf  
3 of Eagle-Picher Industries, Inc., Mr. Thomas H. Harrington,  
4 of the firm of Prosser, Wiedabach & Quale, S.C., appeared  
5 on behalf of Fibreboard Corp., Mr. James E. Culhane of the  
6 firm of Davis, Kuelthau, Vergeront, Stover & Leichtfuss,  
7 S.C., appeared on behalf of GAF Corp., Mr. Robert E. Wrenn,  
8 of the firm of Gibbs, Roper, Loots & Williams, appeared on  
9 behalf of Owens-Illinois, Inc., Ms. Susan Maloney of the  
10 firm of Hayes & Hayes, appeared on behalf of H. K. Porter  
11 Co., Inc. and Southern Asbestos Co., Mr. Bruce Huibregtse,  
12 of the firm of Stafford, Rosenbaum, Rieser & Hansen, ap-  
13 peared on behalf of H. K. Porter Co., Inc. in Neubauer case,  
14 Mr. Arthur J. Vlasak of the firm of deVries, Vlasak &  
15 Schallert, S.C., appeared on behalf of Forty-Eight  
16 Insulations, Inc., Mr. Richard J. Delacenserie of the firm  
17 of Boardman, Suhr, Curry & Field, appeared on behalf of  
18 Flintkote Co., Mr. Robert R. Beltz, of the firm of  
19 Schellinger & Doyle, S.C., appeared on behalf of Standard  
20 Asbestos Manufacturing & Insulating Co., Mr. Dan Risd1 of  
21 the firm of Kluwin, Dunphy, Hankin & McNulty, appeared on  
22 behalf of Unarco Industries, Inc., Ms. Sally Sullivan, of  
23 the firm of Frisch, Dudek & Slattery, Ltd., appeared on  
24 behalf of Nicolet, Inc., Mr. Charles W. Collins of the firm  
25 of Brennan & Collins, appeared on behalf of Raybestos

1 Manhattan, Inc., and Mr. Chester J. Niebler of the firm  
2 of Niebler & Niebler, appeared on behalf of the witness.

3 I further certify that I am not a relative  
4 or employee or attorney or counsel of any of the parties,  
5 or a relative or employee of such attorney or counsel, or  
6 financially interested directly or indirectly in this  
7 action.

8 In witness whereof I have hereunder set my  
9 hand and affixed my seal of office at Milwaukee, Wisconsin,  
10 this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

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Notary Public  
In and for the State of Wisconsin

My Commission expires: 1/17/82